



Ref: 8EPR

J. David Holm, Director  
Colorado Water Quality Control Division  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Dr. South  
Denver, Colorado 80222-1530

Dear Dave:

The Environmental Protection Agency (EPA) commends both the State of Colorado and Sunnyside Gold Corporation (SGC) in your innovative approach to problems encountered in final closure of the Sunnyside Gold Mine. Furthermore, the EPA is pleased that Colorado has chosen to use a watershed/trading approach as one step toward achieving the goals of improving water quality in the Animas River. As active members of the Animas River Stakeholders group, EPA understands and supports the concepts of community-based environmental protection.

As the EPA is not a party to the Consent Decree between the State and SGC, we appreciate this opportunity to provide comments for your consideration on the agreement. EPA understands that this Consent Decree was initiated in order to avoid litigating the issue of permits being required for discharges to groundwater that are tributary to surface water under the facts and considerations of this case.

Although EPA is supportive of the concepts outlined in the Consent Decree and the associated NPDES permits, a few concerns remain. Attached are comments on the Consent Decree and formal comments on the permits. The draft CPDS permits, as with all NPDES permits, must function as stand alone documents regardless of the existence of the Consent Decree.

We look forward to working with you on resolving these issues. If you have any questions concerning this matter, please contact Carol Russell of my staff at (303) 312-7020.

Sincerely,

Max H. Dodson  
Assistant Regional Administrator  
Office of Ecosystems Protection  
and Remediation

Attachment

Specific Consent Decree Comments